

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s): Engelhardt et al.

Serial No. 08/479,997

Group Art Unit: 1634

Filed: June 7, 1995

Examiner: Scott W. Houtteman

Title: OLIGO- OR POLYNUCLEOTIDES, AND OTHER COMPOSITIONS
COMPRISING PHOSPHATE MOIETY LABELED NUCLEOTIDES



FILED BY EXPRESS MAIL

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Sir:

Transmitted herewith is an Amendment Under 37 C.F.R. §1.116 (In Response To The July 18, 2000 Office Action) in the above-identified patent application.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total	114	Minus	176	= 0	X \$ 18	\$ 0
Indep	4	Minus	8	= 0	X \$ 80	\$ 0
()	First Presentation of Multiple Dependent Claims				+ \$270	\$ 0
	TOTAL ADDITIONAL FEE					\$ 0

() Charge Deposit Account No. 05-1135 in the amount of \$ _____.

() A check in the amount of \$ _____ is attached.

(X) The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 05-1135: any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims and any patent application processing fees under 37 C.F.R. §1.17.

Copies are being provided in triplicate.

Also enclosed: Request For An Extension Of Time (3 Months) & Notice of Appeal

January 18, 2001
Date

Respectfully submitted,

Ronald C. Fedus
Registration No. 32,567
Attorney for Applicant(s)

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c/o Enzo Biochem, Inc.
527 Madison Avenue (9th Fl.)
New York, New York 10022
Tel. (212) 583-0100

Attorney's Docket No.: Enz-5(D6)(C2)

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.	EL647884535US
Deposit Date	JANUARY 18, 2001
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231	
 Ronald C. Fedus Reg. No. 32,567	<u>JAN 18 2001</u> Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Engelhardt et al.)	
Serial No.:	08/479,997)	Group Art Unit: 1634
Filed:	June 7, 1995)	Examiner: Scott W. Houtteman
For:	OLIGO- OR POLYNUCLEOTIDES, AND OTHER COMPOSITIONS COMPRISING PHOSPHATE- MOIETY LABELED NUCLEOTIDES (As Previously Amended))	



527 Madison Avenue (9th Fl)
New York, New York 10022
January 18, 2001

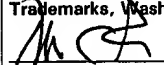
FILED BY EXPRESS MAIL

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

**AMENDMENT UNDER 37 C.F.R. §1.116
(IN RESPONSE TO THE JULY 18, 2000 OFFICE ACTION)**

Dear Sirs:

This is a response (Amendment Under 37 C.F.R. §1.116) to the July 18, 2000 Office Action issued in connection with the above-identified application. A response to the July 18, 2000 Office Action was originally due by October 18, 2000. This response is accompanied by a Request For An Extension Of Time (Three Months), thereby extending the response deadline to January 18, 2000. Accordingly, this response is being timely filed.

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.	EL647884535US
Deposit Date	January 18, 2001
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.	
 Ronald C. Fedus Reg. No. 32,567	JAN 18 2001 Date

Dean L. Engelhardt et al.

Serial No.: 08/479,997

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Page 2 [Amendment Under 37 C.F.R. §1.116 to the July 18, 2000
Office Action - January 18, 2001]

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KINDLY AMEND THE ABOVE-IDENTIFIED APPLICATION AS FOLLOWS:

In The Title of the Invention:

Change the title of the invention to

-- Oligo- or Polydeoxyribonucleotides and Oligo- or Polynucleotides
Comprising Phosphate Moiety Non-Radioactively Labeled
Modified Nucleotides -- .

In The Claims:

Please amend claims 454, 455, 459, 461, 466, 476, 480, 482, 483, 487,
489, 494, 504, 508, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519,
520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 533, 535,
536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549,
550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 561, 563, 564, 565,
566 and 567 as follows:

454. (Amended) An oligo- or polydeoxynucleotide which is complementary to a nucleic acid of interest or a portion thereof, said oligo- or polydeoxynucleotide comprising at least one modified nucleotide having the formula

Sig-PM-SM-BASE

wherein PM is a phosphate moiety, SM is a sugar moiety and BASE is a base moiety selected from the group consisting of a pyrimidine, a purine and a deazapurine, or analog thereof, said PM being attached to SM, said BASE being attached to SM, and Sig being covalently attached to PM directly or through a chemical linkage, said Sig [being a moiety capable non-radioactive detection] comprising a non-radioactive label moiety which can be directly or indirectly detected when attached to PM or when said modified nucleotide is incorporated into said oligo- or polydeoxynucleotide or when said oligo- or polydeoxynucleotide is hybridized to said complementary nucleic acid of interest or a portion thereof.

Enz-5(D6)(C2)